

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: DEALER MANAGEMENT
SYSTEMS ANTITRUST LITIGATION

MDL No. 2817
Case No. 18-cv-00864

This Document Relates To:

Hon. Rebecca R. Pallmeyer

THE DEALERSHIP CLASS ACTION

THE VENDOR CLASS ACTION

**STIPULATION AND ORDER REGARDING
CLASS CERTIFICATION AND DAUBERT BRIEFING SCHEDULE**

Pursuant to Local Rule 78.3, Plaintiffs Loop, LLC (“AutoLoop” or “Vendor Class”), Dealership Class Plaintiffs (“Dealers”), and Defendant CDK Global, LLC (“CDK”), by and through their undersigned counsel, jointly submit this Stipulation and proposed Order to extend the briefing schedule by one week applicable to (1) AutoLoop’s and Dealers’ Motions for Class Certification; and (2) the parties’ *Daubert* challenges. Additionally, CDK and Dealers agree to a five (5) page extension on *Daubert* briefing concerning Dealers’ expert, Dr. Michael Williams.¹

¹ Statement by the Vendor Class: To avoid burdening the Court with a dispute over a short extension, the Vendor Class Plaintiffs join the stipulation. However, the Vendor Class notes that this extension – like the other three extensions already granted – are a product of issues arising exclusively between CDK and the Dealers. *See* Dkt. 1413 (six-week extension), 1428 (two-week extension), 1447 (four-week extension). These repeated delays – now totaling more than three months – are prejudicial to the Vendor Class’s effort to obtain class certification and trial in this already long-running case. Accordingly, the Vendor Class Plaintiffs will likely seek relief from the Court if CDK and the Dealers continue to seek further extensions of their deadlines.

WHEREAS, on November 22, 2023 (ECF No. 1428), the Court set a briefing schedule regarding the Class Certification Schedule in this matter which was then amended on December 14, 2023 (ECF No. 1444), and ordered by the Court on December 20, 2023 (ECF No. 1447);

WHEREAS, Dealers requested that the deposition of Dealers' expert, Dr. Michael Williams, be rescheduled twice, including due to illness;

WHEREAS, as a result, Dr. Williams's deposition is now scheduled for February 12, 2024 (four days before CDK's original deadlines) and CDK, in turn, requested one additional week to file their Opposition to Class Certification Motions and *Daubert* briefing;

WHEREAS, Dealers agreed to the one-week extension if all deadlines for Class Certification and *Daubert* briefing are extended by one week;

WHEREAS, CDK has requested an additional five (5) pages for its opening *Daubert* brief in reference to Dr. Michael Williams, the Dealers' expert, and Dealers will also have an additional five (5) pages to respond to CDK's *Daubert* brief;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, that the following shall constitute the amended schedule for the Class Certification and *Daubert* briefing:

<u>EVENT</u>	<u>DEADLINE</u>
CDK's Opposition Class Certification Brief, Expert Report, & CDK's Opening <i>Daubert</i> Briefs (if any) ²	Friday, February 23, 2024
Plaintiffs' Reply Class Certification Briefs, Reply Class Certification Expert Reports, Plaintiffs' Opposition <i>Daubert</i> Briefs (if any), & Plaintiffs' Opening <i>Daubert</i> Briefs (if any)	Friday, April 5, 2024

² CDK's opening *Daubert* brief and Dealers' response regarding Dr. Michael Williams will each be no longer than twenty (20) pages in length.

CDK's Reply <i>Daubert</i> Briefs & CDK's Opposition <i>Daubert</i> Briefs (if any)	Friday, May 3, 2024
Plaintiffs' Reply <i>Daubert</i> Briefs (if any)	Friday, May 24, 2024

Dated: February 8, 2024

Respectfully submitted,

/s/ Katherine Katz

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AutoLoop on behalf of itself and all others
similarly situated*

SO ORDERED



Honorable Rebecca R. Pallmeyer
United States District Judge

Dated: February 9, 2024

CERTIFICATE OF SERVICE

I, Peggy J. Wedgworth, an attorney, hereby certify that on February 8, 2024, I caused a true and correct copy of the foregoing STIPULATION AND PROPOSED ORDER REGARDING CLASS CERTIFICATION AND DAUBERT BRIEFING SCHEDULE to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ Peggy J. Wedgworth
Peggy J. Wedgworth